

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CARROLL INDEPENDENT SCHOOL DISTRICT,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF EDUCATION;
ET AL.,**

Defendants.

Case No. 4:24-cv-00461-O

**PLAINTIFF CARROLL INDEPENDENT SCHOOL DISTRICT'S
MOTION FOR SUMMARY JUDGMENT**

SUMMARY

Under Federal Rule of Civil Procedure 56, Plaintiff Carroll Independent School District (Carroll ISD) moves this Court for summary judgment against all Defendants on Counts 1–4 of its Complaint.¹ See ECF No. 1.

MOTION

As explained in the accompanying memorandum of law, the Department of Education's Title IX regulation, 89 Federal Register 33,474 (April 29, 2024) (the Rule), is contrary to the Title IX statute and requires Carroll ISD to violate the First Amendment rights of its students and staff. Plaintiff requests that this court hold the Rule unlawful, set it aside, and vacate it pursuant to 5 U.S.C. § 706, because it violates Title IX, the Administrative Procedure Act, and the U.S. Constitution.

¹ Because this Court has vacated and enjoined enforcement of the Interpretation and Fact Sheet challenged by Plaintiff, Plaintiff is not currently suffering injury from that agency action. See *Texas v. Cardona*, No. 4:23-cv-00604-O, 2024 WL 3658767, at *52 (N.D. Tex. Aug. 5, 2024). Plaintiff therefore does not object to this Court dismissing without prejudice Counts 5 and 6 of its Complaint.

Plaintiff also requests a judgment declaring, pursuant to 28 U.S.C. § 2201 and 5 U.S.C. § 706, that (i) the Rule's interpretation of Title IX is unlawful and (ii) the Rule is arbitrary and capricious.

In the alternative to vacatur, Plaintiff requests that this Court enter a permanent injunction enjoining Defendants, any other agency or employee of the United States, and anyone acting in concert with any such person from enforcing or implementing the Rule.

In support of its motion, Plaintiff relies on any oral argument permitted; prior documents, orders, and arguments filed or held in this case; and the attached memorandum in support of summary judgment, declaration of Dr. Lane Ledbetter, superintendent of Carroll ISD, and Declaration of Mathew W. Hoffmann.

There is no security requirement for the relief Plaintiff seeks. *See* Fed. R. Civ. P. 65(c); *Take Me Home, Inc. v. N.Y. Life Ins. Co.*, No. CIV. A. 94-3486, 1994 WL 710424, at *5 (E.D. La. Dec. 20, 1994). If the Court believes that any type of bond is necessary, Plaintiff respectfully requests this Court to waive that bond. *See City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. 1981).

If the Court grants this motion in whole or in part, Plaintiff reserves the right to then file a motion to award attorneys' fees and costs as the prevailing party. *See, e.g.*, 28 U.S.C. § 2412.

Respectfully submitted this 16th day of August, 2024.

Tim Davis

Texas Bar No. 24086142

Allison Allman

Texas Bar No. 24094023

Trevor Paul

Texas Bar No. 24133388

JACKSON WALKER LLP

777 Main Street, Suite 2100

Fort Worth, Texas 76102

Telephone: (817) 334-7200

tdavis@jw.com

aallman@jw.com

tpaul@jw.com

Jonathan A. Scruggs*

Arizona Bar No. 030505

ALLIANCE DEFENDING FREEDOM

15100 N. 90th Street

Scottsdale, Arizona 85260

Telephone: (480) 444-0020

Facsimile: (480) 444-0028

jscruggs@ADFlegal.org

/s/ Mathew W. Hoffmann

Tyson C. Langhofer*

Virginia Bar No. 95204

Mathew W. Hoffmann*

Virginia Bar No. 100102

ALLIANCE DEFENDING FREEDOM

44180 Riverside Pkwy

Lansdowne, Virginia 20176

Telephone: (571) 707-4655

Facsimile: (571) 707-4656

tlanghofer@ADFlegal.org

mhoffmann@ADFlegal.org

Natalie D. Thompson**

Texas Bar No. 24088529

ALLIANCE DEFENDING FREEDOM

440 First Street NW, Suite 600

Washington, DC 20001

Telephone: (202) 393-8690

Facsimile: (202) 347-3622

nthompson@ADFlegal.org

Counsel for Plaintiff Carroll ISD

**Admitted pro hac vice*

***Practice supervised by one or more D.C. Bar members while D.C. Bar application is pending.*

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2024, a copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system. I further certify that the foregoing document was served using the CM/ECF system on all counsel of record.

/s/ Mathew W. Hoffmann

Mathew W. Hoffmann

Counsel for Plaintiff Carroll ISD